

Approved: 3/16/94  
Date

MINUTES OF THE SENATE COMMITTEE ON COMMERCE.

The meeting was called to order by Chairperson Alicia Salisbury at 8:00 a.m. on March 14, 1994 in Room 123-S of the Capitol.

Members present: Senators Burke, Downey, Gooch, Harris, Petty, Ranson, Reynolds, Salisbury, Steffes, and Vidricksen

Committee staff present: Lynne Holt, Legislative Research Department  
Jerry Ann Donaldson, Legislative Research Department  
Bob Nugent, Revisor of Statutes  
Mary Jane Holt, Committee Secretary

Conferees appearing before the committee: Dan C. McClenny, Emporia  
Dr. William J. Wilhelm, Wichita  
Dr. F. Victor Sullivan, Pittsburg  
Wayne Maichel, AFL-CIO

Others attending: See attached list

**Confirmation hearings and possible action on:**

Dan C. McClenny, appeared before the Committee and discussed his interest in and qualifications for appointment as the employer member of the Employment Security Board of Review, see attachment 1.

Dr. William J. Wilhelm, appeared before the Committee and made a presentation in regard to his appointment as a Wichita State scientific representative of the Kansas Technology Enterprise Corporation, Board of Directors, see attachment 2.

Dr. F. Victor Sullivan, submitted a statement to the Committee in regard to his reappointment as the Pittsburg State scientific member of the Kansas Technology Enterprise Corporation, Board of Directors, see attachment 3.

The Chairman announced the Committee would take action on the confirmations tomorrow.

**Continuation of hearing on SB 692-Employment security, benefit disqualification for misconduct**

Wayne Maichel, AFL-CIO, testified in opposition to striking the language on page 3, lines 22 through 27, "In order to sustain a finding that such a duty or obligation has been violated, the facts must show: (A) Willful and intentional action which is substantially adverse to the employer's interests, or (B) carelessness or negligence of such degree or recurrence as to show wrongful intent or evil design." In 1987 the Employment Security Advisory Council recommended the definition of misconduct which the Legislature adopted. The amendments to the definition of misconduct strikes case law resulting from a Wisconsin State Supreme Court decision. Thirty-eight states use this language to define misconduct. He stated the Advisory Council did recommend striking "or evil design". In 1991 the Advisory Council recommended amendments so employers and employees would know what would qualify or disqualify for unemployment. SB 692 strikes the language recommended by the Advisory Council, on page 5, lines 5 through 12. He stated in 40% of the misconduct cases the employer never comes to a hearing.

Senator Burke moved and Senator Vidricksen seconded to adopt the minutes of March 11, 1994. The motion carried on a voice vote.

The Chairman adjourned the meeting at 9:00 a.m.

The next meeting is scheduled for March 15, 1994.

## GUEST LIST

COMMITTEE: SENATE COMMERCE COMMITTEE

DATE: 3/14/94

[illegible]

KANSAS SENATE CONFIRMATION HEARING

For a Position on the Employment Security Board of Review

BEFORE THE SENATE COMMERCE COMMITTEE

SENATOR ALICIA SALISBURY, Chairperson

Statement of Interest and Qualifying Experience

When I was attending a meeting of the Kansas Unemployment Compensation Advisory Council, I was advised that a position was open on the Board of Review. I had expressed an interest in serving on the Board prior to receiving this information.

I was interested in providing a public service for the people of Kansas. I would be able to increase my level of participation in this important Human Relations function.

I feel That I am qualified to serve as the Employer member of the Board of Review because:

1. I have served as a member of the Kansas Employment Security Advisory Council for approximately 20 years. This has required and enabled me to become knowledgeable with the Law and Regulations concerning Employment Security.
2. I served as Vice President of Human Resources with the Didde Corporation in Emporia, Kansas for 28½ years. I had primary responsibility for compliance measures for all governmental laws and regulations.

I have attached a resume for your review.

Thank you for the opportunity to appear at this hearing.

Respectfully,

*Dan C. McClenny*  
Dan C. McClenny

*3/14*  
*Commerce*

*Attachment 1*

Dan C. McClenny  
1516 Grove Avenue  
Emporia, KS 66801  
(316) 342 0363

#### PERSONAL

Born October 14, 1923 in Downs, KS. Have lived in Kansas all my life except for military duty during WW II. Served in the United States Naval Reserve as an aviator. Served in the Pacific theater as a carrier based fighter pilot. Married Mary Anna White of Emporia June 20, 1944. Have five children, all grown and on their own, four grandchildren.

#### EDUCATION

Graduated from Emporia KS High School in May 1941.  
Received a Bachelor of Science in Education degree from Emporia State University in July 1947 and a Master of Science in Administration from ESU in August 1954.  
Continuing education through executive courses and seminars through American Management Association and the American Society of Personnel Administration.

#### EXPERIENCE

Have served on the KANSAS Employment Security Advisory Council from about 1971 to the present time.

March 1989 to May 1990 Served as Firm Administrator for the CPA firm of Agler and Gaddert Chartered with offices in Emporia, Ottawa, Paola and Lawrence KS. Responsible for personnel programs and general office management.

October 1988 to January 1989 to May 1989...Temporary CEO for the Emporia Chamber of Commerce. Served as acting CEO for the local Chamber until a permanent replacement was hired...

*SPRING SEMESTER 1986 THRU GRAND LEVEL COURSE INDUSTRIAL PERSONNEL Psychology AT ESU*  
June 1957 to November 1985...Vice President of Human Resources for the Didde Corporation of Emporia, Kansas. Responsible for the total employee relations programs including employment, benefits, training, security and safety. Chief compliance officer and public and governmental liaison.

Also, during tenure I had assignments in Marketing and was responsible for managing systems and quality control departments.

September 1954 to June 1957... Coach and teacher and Principal at Burlington, KS High School. Taught PE, Health and Drivers Education courses. Head coach of all sports. Principal of the High School 1956 to May 1957.

September 1950 to May 1954...Teacher and Coach of Holcomb, KS High School. Taught business courses and coached all sports..

September 1947 to May 1950... Teacher and coach of Luray, Ks High School  
Taught business courses and coached all sports.

PROFESSIONAL AND OUTSIDE ACTIVITIES

Past Director of United Way in Emporia  
Past Director of Emporia Human Relation Committee for the City.  
Past Director of the Kansas Chamber of Commerce and Industry.  
Past Chairman and member of the Board of Directors of the Emporia  
Chamber of Commerce.  
Past Chairman and member of the Board of Directors of St. Marys Hospital  
Past President and member of the Emporia Rotary Club.

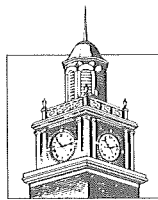
PERSONAL REFERENCES

Mr. Carl Didde  
Didde Corporation  
12th and Graphic Road  
Emporia, KS 66801 (316) 342 4740

Senator Gerald Karr  
Route 2  
Emporia, KS 66801 (316) 343 1607

Representative James Lowther  
1549 Berkely  
Emporia, KS 66801 (316) 342 1391

Mr. Joe Stout, President  
Bank IV, Emporia  
6th and Commercial  
Emporia, KS 66801 (316) 343 4444



The  
Wichita  
State University

Office of the Dean, College of Engineering

March 14, 1994

Senator Alicia L. Salisbury, Chair  
Commerce Committee  
Kansas State House  
Topeka, KS 66612

Dear Senator Salisbury:

Thank you and all of the members of the Commerce Committee for considering my nomination to the Kansas Technology Enterprise Corporation Board of Directors as the Wichita State University representative as specified in the Kansas statute defining the KTEC Board.

The continuing economic health of the State of Kansas is tied to high technology manufacturing jobs and the many additional jobs that are created to support the State's manufacturing industry. It is my desire to assist KTEC to meet its goals related to maintaining and creating jobs in this important area of activity.

The Centers of Excellence established by KTEC at Kansas universities provide Kansas with an opportunity to create and transfer high technology to a wide range of industries in the State which can allow them to be more competitive in the global market place. Being competitive is the key to industry's ability to continue to exist and to create additional jobs. As a member of the KTEC Board of Directors I hope to be a part of fostering the support required for the Centers to be successful in their efforts to reach out to industry and to interact with industry.

My professional background includes a BS in mechanical engineering and an MS in civil engineering from Auburn University and a PhD in civil engineering from North Carolina State University. In addition, I am a Licensed Professional Engineer in the States of Kansas and West Virginia. I have several years of practice as a structural engineer and more than 30 years experience in engineering education including involvement in and the management of basic and applied technological research. I served as the first Director of the WSU KTEC Center of Excellence and as the first Director of the WI/SE Center for Technology Application. In addition, I have gained broad technical experience as a Fellow in the American Society of Civil Engineers and the American Concrete Institute, as a Senior Member of the Society of Women Engineers, and as a member of the National Society of Professional Engineers, the American Society for Engineering Education and the Precast/Prestressed Concrete Institute. This year I am serving as President Elect of the Kansas Engineering Society.

As you can see, my professional and technical qualifications are applicable for the position to which I have been nominated. I would appreciate your favorable review.

Very truly yours,

William J. Wilhelm, P.E.  
Dean


cc: President Eugene M. Hughes

3/14  
Commerce

Attachment 2

March 7, 1994

To: Senator Alicia Salisbury

From: Dr. F. Victor Sullivan 

Re: Reappointment to Board of Director, KTEC

I was very pleased to be renominated by Governor Joan Finney to the Kansas Technology Enterprise Corporation Board of Directors,

My original appointment was as a Pittsburg State University representative on the Kansas Advanced Technology Commission in 1984. That commission was heavily involved with the legislature as the current Kansas Technology Enterprise Commission was developed. In fact I chaired the committee that did the adds and screening for the first President of KTEC, Dr. William Brundage. I was appointed as a charter member of the KTEC board of directors.

Because of my long involvement in economic development efforts for Kansas I am especially pleased to be reappointed. In addition to KTEC I have worked with the Kansas Department of Commerce and Housing, Mid-America Inc. as Vice President for Crawford County, and as a long time individual member of the Pittsburg Chamber of Commerce.

FVS/sd

3/14  
Commerce  
Attachment 2